

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL**

Civil Writ Petition No. 1179 of 2004 (S/S)

Nripendra Kumar Singh Petitioner

Versus

Chairman/Managing Director,
Uttaranchal Power Corporation Ltd.,
Urja Bhawan, Kanwali Road,
Dehradun and others Respondents

Mr. B.S. Adhikari, learned counsel for the petitioner.
Mr. Manav Sharma, Advocate holding brief of
Mr. B.D. Upadhyay, learned counsel for the respondents.

Hon'ble P.C. Pant, J.

Heard Mr. B.S. Adhikari, learned counsel for the petitioner and learned counsel holding brief of Mr. B.D. Upadhyay, learned counsel for the respondents.

2) This person has been filed for mandamus directing the respondents to regularize the service of the petitioner on the post of Date Entry Operator. The case of the petitioner, in the petition is that the respondents were taking work of Data Entry Operator from him at a fixed salary of Rs. 2,200/- per month. However, the petitioner admits that no appointment letter was issued to him. In para 6 of the writ petition it is stated that from 1st July, 2004 the respondents have stopped giving salary to the petitioner nor is he being permitted to sign the attendance register. That being so it appears that his services have come to an end on that particular day. The petitioner prima facie could not show me the right to continue in the post of Date Entry Operator. However, to support his case he has filed Annexure-2 with the writ petition which is a consent letter of one of his colleagues for doing job work on payment of Rs. 2,200/-, which clearly shows that it was contractual in nature. Further, the petitioner failed to produce his appointment

letter before this Court, as such the petitioner does not appear to be a temporary or a permanent employee of the respondent rather he was on a job work on contract basis with the respondents. As such since no violation of any right of the petitioner appears to have taken place, the provisions of Articles 226 of the Constitution of India cannot be said to have been attracted.

3) The writ petition is accordingly dismissed in limine.

(P.C.Pant, J.)

Dt: October 14, 2004

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